

Town Of La Pointe
Regular Town Board Meeting
Tuesday, August 23rd, 2011 5:30 PM at Town Hall

Called to order at 5:32 PM

Present: Beth Fischlowitz, Jim Patterson, Greg Nelson, Ham Ross, Larry Whalen

Dept. Heads Present: Barb Nelson, Jen Croonborg-Murphy, Keith Sowl, Carol Neubauer

Public Present: Gary Russell, Chrissie McCue, Arnie Russell, Bob Kron, Mike Starck, Lois Carlson, Scott Grabarek, Dave Donkers, Jim Rogers, Mike Murphy, Arnie Nelson, Pete Rogers, Ted Michael, Mary O'Brien

I. Public Comment

Keith Sowl stated that he is working with John Griffin to fine tune the grant for the Griggs Approach upgrade.

Mike Starck stated that he wished to speak on the agenda item VIII. A. 2.

Lois Carlson thanked the Town for their work on the Big Bay Town Park reservation system & offered support from the Chamber of Commerce.

Chrissie McCue read the Gerend letter (on file) into the record. It brought up safety issues at Joni's Beach as well as certain items left at the park. In particular there was concern regarding a motor boat in the swimming area.

Gary Russell read a letter into the record [on file]. He stated that waterfront residents downtown request that the Town clarify the rules regarding use of the waterfront and police the waterfront.

Jen Croonborg-Murphy stated that she will seek advice of counsel if the Town moves forward with abolishing local zoning ordinances on the Island as this may violate her Family & Medical Leave of Absence rights. [Clerk's note: item VIII. A. 2.]

Ham Ross stated that the Town Board had given permission to the Sea Scouts to leave their boats at Joni's Beach. He apologized for the dog waste that has been left there and asked for the Town's patience as the Board attempts to sort out the waterfront/public beach situation.

II. Vouchers approved in the amount of \$45,948.59. BF/HR 5A MC

III. Delinquent Personal Property Taxes Treasurer Carol Neubauer reported that the Town has been carrying some delinquent property tax bills on its ledger since 2006. She is currently pursuing amounts over \$100 in small claims court, but she requests two things: (1) that the Town consider writing off small amounts that date back to 2008-2009. (2) that the Town expand its current ordinance regarding penalties for unpaid taxes to include licenses, permits, leases & Town Hall uses. She further stated that she has already consulted the Wisconsin Towns Association in this regard and would like to seek advice from the Town's attorney. Motion to authorize Treasurer Neubauer to charge off \$71.47 in personal property taxes unpaid since 2008-2009 BF/JP 5A MC Consensus of the Board to seek attorney advice regarding expanding the current ordinance.

IV. Minutes

A. Regular Town Board Meeting (RTBM) 07/26/2011 postponed till the next meeting

B. RTBM 08/09/2011 approved as submitted HR/BF 5A MC

Motion to move to item VIII. A. 2. GN/HR 5A MC

V. Public Works

A. Parks

1. Big Bay Town Park Reservation System: Barb Nelson states that the paperwork for this has been sent. Lois Carlson stated that the Madeline Island Chamber of Commerce would post a link to the reservation website. Keith Sowl pointed out that many people do not reserve online, but rather via phone, and someone has to be at the other end of the phone. Ham Ross asked if the Chamber would benefit in any way; Lois Carlson stated that the Town is a member of the Chamber, and that the Chamber provides this service for all members.

2. Joni's Beach

a. Possible regulation of various boats and/or other items at the beach area/water: **Greg Nelson** stated that when the Town gave the Sea Scouts permission to leave boats at Joni's Beach there had been no complaints in the past, but that if complaints came in, the Town may need to reconsider.

Chrissie McCue stated that residents had not been able to play volleyball on the beach due to boats stored there. She pointed out that at first there were only four boats, but as people began to think it was ok to store boats there, eventually 80' of 170' of beach was covered with boats. She spoke to the Sea Scout skipper and suggested that perhaps only two boats are in use and needed. She suggested that by sliding those boats into the bushes, the problem could be solved. She asked that the Town mow around the bushes so that the boats could be slipped between the bushes easily.

Ham Ross stated that while the condominium residents [across the street from the beach] have a right to use the beach, so does everyone else.

Beth Fischlowitz asked if the Joni's Beach Ordinance is posted yet.

Keith Sowl replied that the ordinance is posted and the signs are ordered.

Beth Fischlowitz stated that the dog waste disposal bags need to be ordered for Joni's Beach as well as Big Bay Town Park.

Greg Nelson pointed out that at the Town Park there are no receptacles on the beach. He further suggested that the Town proceed with Chrissie McCue's suggestion.

Motion to cut the grass for the Sea Scouts: LW/BF

Keith Sowl says he is not sure where the grass is to be mowed.

Larry Whalen withdraws his motion.

Chrissie McCue explains.

Keith Sowl stated that there is disagreement as to what the beach should look like, and that the dunes may be protected. He wants permission to speak to the St. John's Church Council about the possibility of using the church's property next door (for the Sea Scouts) before cutting down brush.

Motion to authorize Foreman Keith Sowl to approach the St. John's Church Council about the use of

their beach. LW 5A MC

b. Ordinance #2011-01 Regulating Camping/Docking at Joni's Beach & Town Dock:

Greg Nelson stated that he had spoken to the Department of Natural Resources (DNR), who said that the Town owns the breakwall. Anyone who ties up there is trespassing & can be cited. He asked if this would require a separate ordinance or an amendment to the Joni's Beach Ordinance.

Chrissie McCue asks what "overnight parking" means.

Greg Nelson stated that people would exploit any wording and that according to La Pointe Police Officer Dan Carpenter Joni's Beach Park closes at midnight, and he has cited someone for overnight parking after first warning them.

Arnie Nelson that a certain few individuals are causing the Town to have to create ordinances. They continue to trespass, and now the Town is going to have to figure out how to keep people from trashing the waterfront and anchorage area.

Greg Nelson mentioned the issue of leverage.

Arnie Nelson stated that coming in to the breakwall in foul weather is fine, but that people need to move their boat as soon as the weather clears. He asked that the Town put restrictions on the anchorage area.

Ham Ross asked who would be enforcing this.

Chrissie McCue stated that she had spoken to John Spangberg of the DNR, and he said that this is not a DNR issue that the Town has to enforce it.

Ham Ross urged that the Town look into citing these people.

Greg Nelson stated that the City of Bayfield cites people for dock trespass, and they don't have an ordinance to support the citations.

Chrissie McCue asked if the rules & regulations regarding the breakwall still apply.

Greg Nelson explained that those rules & regulations were a stipulation of a grant agreement and have been in effect for 25 years.

B. Roads

1. Griggs Approach

a. Dock permit application to WI Department of Natural Resources (WI DNR): **Keith Sowl** stated that the dock permit application had been submitted. Discussion followed regarding the possibility of seeking an advance payment of part of the grant money. Further discussion followed regarding whether or not the Town would proceed with the project.

Beth Fischlowitz asked what would happen if the Town does not do the project.

Ham Ross asked what the Town has to gain from the project

Keith Sowl responded that if the Town does nothing, and the water falls two feet, the Town will be in a "fine how-do-you-do."

b. WI DNR Grant Agreement for "Griggs Approach and Pier 2011-12" Motion to sign the Agreement.

BF/JP 4A 1 Ab [HR] MC Keith Sowl added that he put on the document that the project could take three to four years.

C. Airport

1. Airport Manager's Report placed on file by unanimous consent

2. Airport Manager's Check Lists placed on file by unanimous consent

D. Harbor

1. Regulation of buoys & vessel types:

2. Regulations of breakwall & breakwall use

This had been covered previously; however, Greg Nelson added that no boats may be moored in a Town-owned riparian area and that no boats may be moored in less than six feet of water. He felt that the Town may want to look into having some say in what vessels get moored in the mooring area. He further suggested that perhaps the Harbor Committee could look into this along with their harbor development project. Motion to direct the Clerk to forward the letter written by Gary Russell to the Harbor Committee along with a request for their assistance in fleshing it out. BF/HR 5A MC

Motion to post "No Trespassing" signs on the breakwall. HR/BF 5A MC

VI. Library

A. Library Board minutes July 11th, 2011, placed on file by unanimous consent

VII. Emergency Services

A. Fire Chief's Report not available; the Deputy Clerk is directed to write a letter in this regard.

VIII. Committees

A. Zoning

1. Zoning Administrator request for designated official for permit application at 304 Big Bay Road due to conflict of interest: previously granted. Charlie Brummer's name is stated in a motion made at the Special Town Board Meeting on 8/2/11. **Clerk's note to Town Board: In these minutes I used the names of the Town Plan Commission Chair & Co-Chair. Would you like these minutes amended to show the titles rather than the names. This may be more useful for future boards in terms of the precedent set.**

2. Possible formation ad-hoc Committee **RE:** Turning Town Zoning over to Ashland County: **Greg Nelson** stated that information is still coming to the Town Board in this regard, and he would prefer to find facts before forming an ad hoc committee. In his opinion an ad hoc committee would be premature; he has asked Mike Fauerbach to research the issue specific to the Island.

Ham Ross stated that he is vehemently opposed to this. He stated that much time & money has been spent preparing zoning ordinances; her further stated that "Ashland County wants nothing to do with it."

Beth Fischlowitz stated that while she is not opposed, she has heard nothing that would say this is something we should do. She had no objection to seeking more information

Jim Patterson stated that this process [redrafting the Town's zoning ordinance] began nearly ten years ago and that lots of work has gone into tailoring it for the Island. He asked Bob Kron about the "overlay" that was mentioned in Kron's letter: who would prepare the overlay? Isn't that a zoning decision?

Bob Kron referred to the Washington Island (Door County) model in which the special needs of Washington Island are a part of the Door County ordinance and written right into the zoning document. He stated that he does not have a solution but will continue to explore the matter.

Jim Patterson stated that he doesn't see what the Town has to gain from doing this.

Greg Nelson asked if Washington Island had its own prior existing zoning ordinance because his understanding from talking to the Town's attorney who had spoken to the Wisconsin Towns Association: the WTA had not heard of a Town ever rescinding an existing zoning ordinance. He further stated that Ashland County would have to accept the Town's decision, and, given the County's fiscal situation, this would be unlikely: there would be no benefit to Ashland County.

Bob Kron stated that he had spoken to a few Ashland County board members who expressed a willingness to consider the idea.

Mike Starck stated that this was his agenda item and was not initiated by Bob Kron's letter. He feels that a committee should be formed in order to consider the pro's & con's of the idea: he gave as examples the Harbors Committee and the alternative energy committee. He referred to the Zoning Department's \$120,000 a year budget.

Jen Croonborg-Murphy pointed out that the Zoning Dept. does other jobs such as rentals of single family dwellings and fire numbers. She asked who will do these tasks. She also pointed out that Mike Starck approved the wage resolution for Stephanie Zuehlke [clerk's note: previous zoning administrator].

Bob Kron suggested that while the ad hoc committee may be premature, the issue can still be discussed.

Larry Whalen pointed out the difference between an ad hoc committee and citizen conversation. He further stated that there is a possibility that forming an ad hoc committee would "promote havoc in Town."

Ham Ross repeated that he is vehemently opposed.

Jen Croonborg-Murphy stated that she did not appreciate the remarks made in the *Gazette* from someone with whom she has never had a conversation.

Motion to postpone formation of an ad hoc committee pending more information. BF/HR 2 Ayes [Beth Fischlowitz, Greg Nelson 3 Nays: Larry Whalen, Jim Patterson, Ham Ross Motion fails.

Motion to not consider an ad hoc committee regarding turning town zoning over to Ashland County at this time. JP/HR 4A 1 Nay: Beth Fischlowitz objects to the strong wording of the motion. MC

Motion to return to the agenda BF 5A MC

9. Town Hall Administration

A. Administrative Assistant's Monthly Report placed on file by unanimous consent.

1. 2011 Budget Transfers into Designated Funds: unanimous consent to authorize a fund transfer in the amount of \$107,900.

B. Town Insurance Policy

1. Inland Marine Blanket Policy placed on the next agenda.

2. Operation & Vehicle Inspection Wednesday, August 31st, 2011: Barb Nelson explained the purpose & process of this inspection. Ham Ross will meet with the inspector.

C. Town Hall Roll of Honor update: Ham Ross is working on getting the plaques for the board.

D. General Code Draft Review **RE:** Item #11: Chapter 347-12(a): awaiting a response from the Town's attorney

E. Budget Amendment #2001-01: Barb Nelson explained that this is a clean up of expenditures. Motion to adopt the Budget Amendment. BF/HR 5A MC

F. Open Book & Board of Review scheduled August 25th, 2011: three people have notified Town Hall of their intent to object.

G. Winter Transportation Agreements for 2011-2012 season: the Board wishes to continue trying to get the Superintendent of the Bayfield Schools to attend a Town Board meeting.

H. Madeline Sanitary District recommendation to appoint commissioner 6-year term ending 7-31- 2017: motion to re-appoint Ted Pallas to a three-year term [ending 7/31/2017]. HR/LW 5A MC

10. New Agenda Items for Future Meetings

- A. Town Insurance Inland Marine Blanket Policy
- B. General Code Draft Review
- C. Harbor Issues
- D. Big Bay Town Park Reservation System
- E. Minutes RTBM 7/26/11

11. Lawsuits & Legal Issues

12. Liquor & Operators' Licenses

- A. Operator's Licenses
 - 1. Vanessa Sowl (new)
- B. Madeline Island Community Garden Project & Slow Foods
 - 1. Temporary Class "B" Picnic License Saturday, September 17th, 2011
 - 2. Request for waiver of \$10.00 Picnic Fee

Motion to approve Vanessa Sowl as an operator and grant a Temporary Class "B" Picnic license [with waiver of fees] to the Community Garden Project & Slow Foods. HR/LW 5A MC

13. Adjournment at 7:45 PM

Approved as corrected on 9/27/11

Patty Hobin

Town Clerk